

Developments in International Religious Freedom

Moderated by Board Member Edward Kelly
November 8, 2017

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Objectives:

- Become familiar with International Religious Freedom Act (IRFA) and the work of the United States Commission on International Religious Freedom;
- Be able to identify conditions facing Christian Minorities in Egypt, Iraq, China, and Indonesia; and
- Be able to identify key adjudicative pitfalls in addressing claims for relief or protection based on religious persecution

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Introduction

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Topics:

- IRFA and the USCIRF
- Conditions Faced by Evangelical and Other Christian Minorities in Egypt and Iraq
- BREAK -
- Conditions Faced by Evangelical and Other Christian Minorities in China and Indonesia
- Adjudicative Issues in Religion-Based Asylum Claims



Egypt

Map source: <https://www.state.gov/p/nea/ci/eg/>



Iraq

Map Source: <https://www.state.gov/p/nea/ci/iz/>



China

Map source: <https://www.state.gov/p/eap/ci/ch/index.htm/>



Indonesia

Map source: <https://www.state.gov/p/eap/ci/id/>

Adjudicating Claims Based on Religious Persecution: State Entanglement in Religion

Theme:

Avoid State Entanglement in Religion –

but still get the job done.

Supreme Court of the United States

“It is not within the judicial ken to question the centrality of particular beliefs or practices to a faith, or the validity of particular litigants’ interpretations of those creeds.”

→ *Employment Div., Dep’t of Human Res. Of Oregon v. Smith*, 494 U.S. 872, 887 (1990) (internal citations and quotations omitted) *overturned on other grounds by Holt v. Hobbs*, 135 S. Ct. 853 (2015).

The resolution of doctrinal disputes “is for ecclesiastical and not civil tribunals.”

→ *Serbian E. Orthodox Diocese v. Milivojevich*, 426 U.S. 696, 702 (1976).

- Sincerity or Genuineness of Belief v. Knowledge of Doctrine
- Imputed Beliefs
- Corroboration

Other Issues:

- Importance of Country Condition Evidence and Monitoring Groups in a dynamic situation
- Administrative Notice and Expert Witnesses
- Ninth Circuit Standards for Credibility in Motions